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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON, DC 20005

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,286

Applicant(s)

HELLAKER, JAN

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

1. The primary examiner acknowledges cancellation of all claims (eg. 1-10) and addition of new claims 11-22 as well as transmittal of new Oath/Declaration.

2. There may be a typo with claim 22, it currently depends from cancelled claim 8, it should depend from claim 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 15-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. US 5,572,204 and further in view of Hattori et al. US 6,285,931.

As per claim 11, Timm teaches a system for communication between at least one central station (figure 1, #15) and at least one remote mobile or stationary object (figure 1, #10 is vehicle-mounted hardware) by means of transmitting and receiving means wherein said at least one object comprises a cellular phone module which provides a private subscription for private usage by a driver or operator of the object (figure 1, #22 shows cellular transceiver which reads on a cell phone) and a selectable service subscription for transmitting and managing at least one of the services including roadside assistance and emergency by means of the at least one central station

(abstract teaches both and C1, L60 to C2, L30) **but is silent on** remote status information, malfunction, and diagnostics and maintenance are monitored.

Hattori teaches a vehicle information system that transmits vehicle diagnosis information to a management station (abstract, figure 1, figure 4 shows areas monitored #41-48, figures 7-10 and C2, L15 to C3, L46).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Timm/Hattori, such that remote status information, malfunction, and diagnostics and maintenance are monitored, to provide means for obtaining technical vehicle status data from the automobile which can be passed to the central station to assist them in evaluating the car's operation (eg. doesn't work because there is something wrong with the Alternator, it's out of gas, the battery has died, etc.).

As per **claim 15**, Timm/Hattori teach the system according to claim 11, wherein the at least one central station is a customer service center and the at least one remote object (20, 24, 25) is a vehicle, a boat, a plane or a remote facility or plant (Timm teaches a "response center" figure 1, #15 which reads on the claim and a car/vehicle, C1, L15-21. One skilled can adapt this system to a boat, plane or remote facility/plant).

As per **claim 16**, Timm/Hattori teach the system according to claim 11, wherein the service subscription is activated by the central station or the remote object (figure 1 #15 shows a response center that must inherently activate a subscription so as to know that a certain car/vehicle is to be monitored and C3, L60-67 teaches checking on the user's account. General Motors' ON STAR is a subscription-based service that is well known in the art (see Lumelsky, referenced by not cited – "General Motors Corporation introduced its OnStar system for the 1997 Cadillac model. By linking the car's cellular phone to a global positioning satellite, OnStar can locate and send help to a stranded or disabled motorist; including sending medical assistance as soon as it detects that the car's air bag has been deployed. OnStar's service center operator receives coordinates of an automobile equipped with the OnStar system and could navigate its user, over the cellular phone, with continuous directions").

As per **claim 17**, Timm/Hattori teach the system according to claim 11, wherein a satellite communication is provided for activation when cellular communication is not available (Timm teaches cellular communications which typically is terrestrial-based but a base station can be a space-based satellite and would be used if/when a terrestrial BTS is not available and that specific area is covered by a satellite, see C9, L3-13 too. The examiner notes that Razavi, referenced but not cited, teaches multiple communications means, see figure 1 #26-29 and hence one skilled would also use satellite communications).

As per **claim 18**, Timm/Hattori teaches the system according to claim 11, wherein the at least one object comprises a controller module for bi-directional communication with a data bus or network manager which is connected with an internal data bus or network of the object (figure 1, #20 teaches a system controller and internal data bus connections to other components such as the cell transceiver, GPS transceiver, message center, cellular handset, etc.).

As per **claim 19**, Timm/Hattori teach the system according to claim 18, wherein the at least one object comprises at least one of a user interface manager (C3, L1-15 teaches user interaction with the system, eg. an interface), a satellite communication module (Timm teaches cellular communications which typically is terrestrial-based but a base station can be a space-based satellite and would be used if/when a terrestrial BTS is not available and that specific area is covered by a satellite, see C9, L3-13 too. The examiner notes that Razavi, referenced but not cited, teaches multiple communications means, see figure 1 #26-29 and hence one skilled would also use satellite communications), a GPS controller (figure 1, #21 teaches GPS controller/receiver) and at least one emergency sensor (207) for automatically detecting accidents, emergency or malfunctions of the object (C9, L3-13 – “Although global position system (GPS) and cellular technologies have been described in the preferred embodiment, other positioning and communication technologies could be used in the present invention. For example, position information could be obtained from the Loran-C system or other

navigation systems. A communication system such as the personal communication service (PCS) could also be used. In addition to activating the vehicle emergency message system from any manual switch assembly, service requests could also be initiated automatically, such as in response to deployment of an airbag").

As per **claim 20**, Timm/Hattori teaches the system according to claim 11, wherein a transition from private subscription to service subscription can be initiated by a key press of the operator and/or automatically by means of at least one sensor (207) for detecting accidents, emergency or malfunctions of the object or by means of a further sensor for detecting an air-bag deployment (figure 1 shows cellular transceiver and handset which can be used for private subscription, figure 1, #22/#25 while C9, L3-13 teaches automatic service request based on an event such as an airbag deployment).

Claims 12-14 and 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Timm and Hattori and further in view of Razavi et al. US 6,362,730.

As per **claim 12-14**, Timm teaches claim 11 **but is silent on** wherein the service subscription transmission preempt private usage transmissions AND/OR wherein each service has a priority value assigned thereto for use in automatic resolution of conflict AND/OR emergency assistance has highest priority so that on-going calls are interrupted in deference thereto.

The examiner notes that if only one communications means exists, then one skilled would need to ensure that service data is prioritized and is based on priority since simultaneous communications is not possible. Conversely, if multiple communication means exist, then service data can be sent via simultaneously and one does not have to prioritize data. The examiner take **Official Notice** that this "concept" is similar to Quality of Service applications which are well known in the art and provide more bandwidth to high(er) priority users/applications as needed and will preempt any low(er) priority users/traffic if bandwidth becomes constrained.

Razavi teaches multiple means for communicating vehicle information (figure 1, #26-29). Hence these four communication means can be used simultaneously if four service events were to happen concurrently. Conversely, Timm only shows one communications means – cellular – and any two-or-more service events would have to be prioritized whereby one is sent while the other is queued.

With further regard to claim 14, Timm is silent on wherein an assignment of highest priority to emergency assistance services so that on-going phone calls are interrupted in deference thereto. As per the examiner's **Official Notice** above, one skilled would ensure that “emergency communications” are always given the highest priority thus allowing this time-critical message to preempt all other data traffic.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Timm/Hattori, such that wherein a conflict concerning simultaneous execution of several services during service subscription is handled automatically by assigning and affecting a priority to each service and deactivating any services with a minor priority than the service with a first priority, to provide means for transmitting service data via one data path if/when two-or-more service events occur concurrently.

As per **claim 21**, Timm teaches a system for communication between at least one central station (figure 1, #15) and at least one remote mobile or stationary object (figure 1, #10 is vehicle-mounted hardware) by means of transmitting and receiving means wherein said at least one object comprises a cellular phone module which provides a private subscription for private usage by a driver or operator of the object (figure 1, #22 shows cellular transceiver which reads on a cell phone) and a selectable service subscription for transmitting and managing at least one of the services including roadside assistance and emergency by means of the at least one central station (abstract teaches both and C1, L60 to C2, L30) and Timm teaches Power Up mode, Wait Mode and Activation mode (see figure 2) as well as automatic periodic call-in (#39) and Wake-up Control (#43) which read on the claim regarding “... sleep mode (S), a standby mode (W) and a first service execution mode (T1), wherein the sleep mode is

Art Unit: 2683

terminated when a wake up timer elapsed and the standby mode is activated in which the object waits for an incoming message from the service center via a cellular and/or a satellite communication for a predetermined period of time, after which the sleep mode is again activated if no message has been received or a requested service is activated if a related message has been received and decoded...”

but is silent on remote status information, malfunction, and diagnostics and maintenance are monitored AND wherein a conflict concerning simultaneous execution of several services during service subscription is handled automatically by assigning and affecting a priority to each service and deactivating any services with a minor priority than the service with first priority.

Hattori teaches a vehicle information system that transmits vehicle diagnosis information to a management station (abstract, figure 1, figure 4 shows areas monitored #41-48, figures 7-10 and C2, L15 to C3, L46).

The examiner notes that if only one communications means exists, then one skilled would need to ensure that service data is prioritized and is based on priority since simultaneous communications is not possible. Conversely, if multiple communication means exist, then service data can be sent via simultaneously and one does not have to prioritize data.

Razavi teaches multiple means for communicating vehicle information (figure 1, #26-29). Hence these four communication means can be used simultaneously if four service events were to happen concurrently. Conversely, Timm only shows one communications means – cellular – and any two-or-more service events would have to be prioritized whereby one is sent while the other is queued.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Timm/Hattori, such that wherein a conflict concerning simultaneous execution of several services during service subscription is handled automatically by assigning and affecting a priority to each service and deactivating any services with a minor priority than the service with a first priority, to provide quality of service whereby higher priority messages preempt lower priority messages as required.

Art Unit: 2683

As per **claim 22**, Timm/Hattori teach the method according to claim 21 wherein the at least one object has a phone mode (figure 1 shows cellular handset/transceiver #22/#25 **but is silent on** a second execution mode (T2), wherein the phone mode is interrupted when a service is requested, until a cellular and/or a satellite communication between the object and the central station has been established and the service has been executed.

Razavi teaches a system that collect vehicle information and can transmit said information via multiple means (figure 1, #26-29). Since multiple means are available, one skilled would provide switching means such that if the "default" is cellular and being used by the person for a call, the system will either; a) use another communication means, or b) switch the caller to a different communications means such as satellite, VoIP, etc.).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Timm/Hattori, such that there is a second execution mode, wherein the phone mode is interrupted when a service is requested, until a cellular and/or a satellite communication between the object and the central station has been established and the service has been executed, to provide means for connecting a service-based call to the central station even if the communication means is being used by the driver, to ensure the service-based call gets through to the central station.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2683

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
6-6-2005

